

By John Crompton of the Star-Chamber.
**STAR-CHAMBER
CASES.**

Shewing
**WHAT CAUSES PRO-
PERLY BELONG TO THE
COGNIZANCE OF THAT
COURT.**

Collected for the most part out of Mr.
CROMPTON, his Booke, entituled
The Iurisdiction of divers Courts.



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STAR-CHAMBER

C A S E

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WHAT CASES

PERTAIN TO THE

COGNITION OF THAT

GOVT

Confession the most part of

GROUNTS, his books, and

the whole of the

Ric. Oct. 17, 1878.

Plantation of the
the Court



The Preamble explaining the causes properly belonging to the Cognizance of the Star-chamber, viz, *Unlawfull Assemblies, Routs, Riots, Forgeries, Perjuries, Cozenages, Libelling,* and other like misdemeanors not especially provided for by the *Statutes*.



AN Unlawfull Assembly is the meeting of three or more persons together, with force to commit some unlawfull act, and abiding still, not endeavoring the execution thereof, as to assault or beat any person, or to enter into his House or Land, &c. *West part 2. Symbol. tractat. Indistments Sectio 6. Lambert in his Eirenarch.* saith of it thus: An unlawfull assembly is the company of three persons (or more) gathered together to doe any unlawfull act although they doe it not in deed. So saith *Kitchin fol. 20.*

Rout is originally a French word signifying a Company or flocke. It signifieth in our

Unlawfull Assemblies.

Rout.

mon Law an Assembly of three persons, or more going about forceably to commit an vnlawfull act, but yet doe it not. *West part. 2. Symbol. Tractat. Indictments. Sect. 65. Lambert* thus writeth of it; A Rout is the same which the *Germanes* yet call (*Rot*) meaning a Band or great Company of men gathered together, and going about to execute, or executing indeed any Riot or vnlawfull Act. And (saith *Marrow*) it is said properly of the multitude that assemble themselves in such disorderly sort for their common quarrels. As if the Inhabitants of a Township doe assemble to pull downe a hedge or pale, to haue Common where they ought to haue none, or to beate a man that hath done them some publike offence or displeasure. But the *Stat. of 18. Ed. 3. cap. 1.* which giueth Process of Outlawry against such, as bring routs into the presence of Iustices, or in affray of the people; and the *Stat. of Anno R. 2. cap. 6.* that speaketh of ryding in great Routts to make entry into lands, to beat others, and to take their wiues, &c. do seeme to vnderstand it more largely.

And it is a Rout whether they put their purpose in execution or not, if so be that they goe, ride or moue forward after their meeting. *Br. titulo Riot. ca. 5.* So as it seemeth, a Rout should be a speciall kinde of vnlawfull Assembly. And the disorderly fact committed

red generally by any vnlawfull Assembly: Howsoeuer it be, two things be common both to Rout, Riot, and vnlawfull Assembly; the one that three persons at the least, bee gathered together; for so it is commonly taken at this day, as I haue learned: the other that they being together, doe breed disturbance of the Peace, either by signification of speech, thew of Armour, turbulent gesture, or actuall and expresse violence, so that either the peaceable sort of men bee vnquieted and feared by the fact, or the lighter sort & busie bodie emboldned by the example. Thus farre M. Lamb. in whom you may read much more to this purpose worth the reading.

A Ryot is the forcible doing of an vnlawfull act by three or more persons assembled together for that purpose. *West. part. 2. Symbol. tractat. Indictments Sectio 65. Kitchin fol. 19.* giueth these examples of Ryots, the breach of inclosures, or of banckes or Conduits, Parks, Ponds, Houses, Barnes, the burning of stacks of Corne. And Mr. Lambert in his *Eirenarcha* vseth these examples, to beat a man, to enter forcibly vpon a possession.

The Statutes that concerne these matters are these following, *Anno 2. Edw. 3. cap. 3.* commonly called the Stat. of Northampton.

Anno 2 R. 2. Stat. 1. cap. 6.

Anno 13. H. 4. cap. 7.

Ryot.

Anno

Anno 2. H. 5. cap. 8. & 9.

Anno 8. H. 6. cap. 14.

Anno 11. H. 7. cap. 7.

Anno 19. H. 7. cap. 13.

Anno 1. Mar. Parl. 1. cap. 12.

Anno 2. R. 2. Stat. primo cap. 7.

Anno 17. R. 2. cap. 8.

The Civilians call it *Casum, vel Turbam*; which we call an unlawfull assembly, defining it in these words: *Turba est quæ consistit ex multitudine hominum ad mali cujusquam perpetracionem congregatorum*; and this multitude must be of fiftene, or tenne at the least. *Prætor de vi bono rapt. §. 1. Et Barthol. ibidem.* Howbeit, the Constitutions and Customes of divers Countries doe restraine this to a lesser number: as to foure in Burgundy, *Chassanens de Consuetud. Burgum rubri* 13. §. 6. And it is a private offence to any person, & lyeth *civiliter ad duplum* only, within the compass of the first yeare: and *ad simplicum* afterwards for any thing lost, or other harme incidently befalling; or *in quadruplum*, for any thing taken away by any of the tumult. But it is also punished criminally, as a publike offence done to the Commonwealth, and against the peace. And first if the force be done without armes, it is called *vis privata*, and punished by the third part of his goods that causeth it, and by infamy that depriverth him of all possibility

sibility either to become a Senatour, or a Decurian, or a Iudge, or other Honourable person, or Officer. If it be with armes, then it is termed *vis publica*, and is punished in the intention no lesse than in the effect, *per deportationem*, that is, perpetuall banishment, if he be a freeman; or by death, if slaughter be committed: If he be a servant, then by death simply. The Saxons punish it at this day *per fustigationem, vel manus amputationem*. But three things here be accessarily incident. First, that the force raised be greater than may bee resisted by him against whom it is intended, without other helpe. Next, that the force be *vis armata*, that is, *que fit adhibitis armis*: the third, that there be *dolus*, that is, a pretended malice, or setled intention to harme. *Gayl. de pace Pub. lib. 1. cap. 7.*

The reason why the intention in this case is reputed an effect, is because it is reckoned *inter atrociora delicta*: In the which, for the extraordinary regard of the publike estate, *comatus perinde atque effectus puniuntur*. *Gayl. ubi supra cap. 13.*

Forgery is a falshood committed in or about some writing or Deed: as if a man write or signe a false Testament, or falsely set down therein some Legacie, or trust in himselfe; or if he make a false Deed, or Accompt, or other Instrument; or if he bribe or corrupt

B

a Iudge

a Iudge, or doe raze, change, or corrupt any writing, to the defrauding of another man, or doe convey, remove, or take away, suppress, conceale, or falsely signe a Testament, or counterfeit another mans hand in writing, or counterfeit the hands of Magistrates, and Certificates, Testimonials, or Licenses in their names, or corrupt or suborne false witnesses, or make false accompt or reckoning. *West. part. 2. Symbol. tractat. Indictments, Sect. 60.* I finde three Statutes against this offence.

Anno 1. H. 5. cap. 3. repealed by Anno El. cap. 14.

Anno 7. H. 5. cap. 3.

Anno 5. Eliz. cap. 14.

Forgery, is that which the Civilians call *Crimen falsi*, or at the least one part thereof: For by them *Crimen falsi* is extended as well to false measures, or weights, to false accusations, and conspiracies, (as we call them) *ad parvas suppositas*, and such like, as to forging of writings, or Deeds. That which wee call Forgery, they terme *falsitatem scriptorum*, which is committed by as many wayes as are above expressed in the example of definition set downe by *West.*

Summa falsi, aut quasi falsi, id est, ejus delicti quod ex Senatus consulto, aut interpretat prudent: pro falso habetur, est deportatio, & omnium bonorum

bonorum publicatio, in liberis, in servis ultimum supplicium: Sed hodie hac est pars arbitraria, & pro qualitate delicti, aut extenditur ad ultimum supplicium, aut remittitur usque ad manus amputationem, vel relaxationem temporalem. *Wesemb. in parat. de crimine falsi.* But for the diversity of punishments in this case, according to the diversity of the offence in these latter times, See *Dantrowderius* in his criminall practice, cap. 122.

Perjury is a lye confirmed by oath. *West.* Perjury. 1 part. 2. *Symbol. tractat. Indictments Sect. 28. Mendacium juramento firmatum, Jul. Clar. perjur.* This perjury that is punishable in the Starre-chamber, as I have heard learned men say, is such as is committed in some of the Kings Courts of Record. For if it be an extrajudiciall perjury, or committed in a Court Christian, or any inferiour or base Court, it is rather punishable by Ecclesiasticall penance. Such perjury as is commonly punished in the Starre-chamber, is corrected by some arbitrary censure; as sometime by fine to his Majesty, sometime by pillory; sometime by whipping, sometime by losse of an eare or eares, sometimes by imprisonment, and sometimes by more of these punishments joyned together, according to the quality of the offence, or of the person: touching perjuries, looke these Statutes:

Anno 3. Ed. 1. cap. 37.

Anno 5. E. 3. cap. 6.

Anno 11. H. 6. cap. 5.

Anno 15. H. 6. cap. 5.

Anno 18. H. 6. cap. 4. & cap. 14.

Anno 1. R. 3. cap. 4.

Anno 11. H. 7. cap. 15. 21. 23. 24. & 25.

Anno 1. H. 8. cap. 1.

Anno 23. H. 8. cap. 3.

Anno 26. H. 8. cap. 4.

Anno 5. El. cap. 9.

We have perjury committed in England by one meanes, which in other Nations is unknowne: And that is by the Iury or Enquest, that breake their oathes in giving up their verdict. In which case there lyeth a Writ of attaint against them, whereby they are summoned to appeare in the Kings Bench at a certaine day, and there being convict of perjury, are according to the ancient Law of England to undergoe a most ignominious punishment: as you may reade in *Glanvil. li. 2. cap. 19.* and *Breton cap. 53. & cap. 100.* and *Fortescue cap. 26.* And that is to have their Medowes eared, their Houses broken down, their Woods burned up, their Lands and Tenements forfeited to the King, and (as it may be gathered out of *Fitzherb. Nat. Br.* in the Writ of Attaints, *fol. 195.* their bodies to be committed to prison during the Kings plea.

pleasure, but wee see no example of this in these daies, but rather in lieu of this, some of these punishments formerly expressed.

Thus by the Civill Law is a branch of *crimen falsi*, and therefore is censured as before is set downe in *Forgery*, howbeit the best Civilians be of opinion, that it hath not any ordinary punishment, but *juxta arbitrium Iudicis*, *Fachin de controu. Iuris*, lib. 1. ca. 14. yet other effects doe follow of it, as *Iulius Clarus* mentioneth. *Perjurium*, first it is questionable, whether that he that is *perjurus* be *infamis infamia Iuris* or not, and the common opinion is negative, yet with this distinction, *super juramento assertorio* hee is not: *Sed si promiserit cum juramento aliquid de futuro, & illud non fecerit, ex tali perjurio fit infamis infamia Iuris*; Item *Clericus propter perjurium potest privari dignitate obstantia non tamen privatur ipso jure*; Et hac est communis opinio, *Clericus tamen perjurus, si instituitur in aliquo beneficio non valet institutio ipso jure*; Et hac est communis opinio, *Clericus tamen perjurus, incidit etiam perjurus circa pacta, vel transactiones in pœnas Legu q1. Col. de transactione: viz. nō solū infamatur verumetiam actione privatur restituta pena qua pactis probatur infersa & rerum proprietate carcat & emolumento, quod ex pactione, vel transactione illa fuerit consecutione. Præterea perjurus repellitur ab agendo etiam à testificando: Si tamen juramentum licitum*

tum fueris non temeris non temerarium & illicitum.

Excusatur tamen perjurus a pœna perjurij diversis modis, & imprimis, si ostendit se sine dolo fuisse perjurum.

Secundo propter difficultatem juramenti observandi. Tertio si tale perjurium nulli alij sit detrimentosum.

Romani solebant eos punire qui per nomen Principis perjuri erant, nos quidem eos qui per nomen Dei perjuri sunt.

Cozenage.

Cozenage is an offence, whereby any thing is done guilfully in or out of contracts, which cannot fitly bee termed by any speciall name, *West. part 2. Symbol. tract. Indictments Sectio 68.*

This is by the Civilians called *Stellionatus*, à *Stellione*, quod est lacerta genus quo nullum animal homini invidet fraudulentius, *Plinius libr. 3. cap. 10.*

The punishment of this is Arbitrary as in our Realme, so likewise by the Civill Law, as appeareth by the twentieth title of the 47. booke of the Digests, and *Wesenbecius* parat. upon the same.

Libellers be oftentime dealt with in Star-chamber, as offenders not sufficiently provided for by the Lawes otherwise, wherefore it is not amisse here to define a Libell: *Famosus Libellus est non modo si dissimulato, vel ficto auctoris*

(II)

authoris nomine cadatur, verumetiam si expreso.

But then what is the difference betweene an injurie in writing, and a Libell? For *iniuria* is either *realis qua re infligitur*, ut per verbera, aut *verbalis qua verbo vel scripto* or *personalis qua persona infligitur ut per verbera vel cruciatum.* An injury in writing.

The difference therefore betweene a written injury and a Libell is, *quia famosus libellus ad infamiam pertinet, hoc est impingit delictum aliquod notabile, injuria fit contumelia causa, etiam absq; infamia nota, ut si quis luscus, spurius, claudus, aliove contumelioso nomine appelletur & traducatur.*

The rest of the misdemeanors punishable in this Court cannot bee comprized under any certaine title but this, for that the most part be such as receive no speciall punishment, by either the common or Statute Law. And these in the Civill Law are called *crimina extraordinaria quia extra ordine puniuntur, unde certa nulla pena existunt; Sed arbitrio iudicis committuntur.* Of these you may read many in the 47. booke of the Digests, *titulo 11.* and in *Wesbecius* upon the same. But which they bee with us appeareth in some sort by these cases, that M. *Crompton* hath in this treatise following set downe *de facto* to have beene censured heretofore in this Honourable Court.

The





The Court of *Starre-chamber*,
and matters before the
Kings Counsell.

Set forth in *French* by M. *Crompton* in his
Booke entituled, *The Iurisdiction*
of diuers Courts.



He Court of *Starr-chamber* is
a High Court, held be-
fore the King, and his
Counsell, and others. And
those that be sued there bee
called by a *Subpœna* to ap-
peare before the King and his Councell, at the
day mentioned in the writ. At the which day
if he make default, then upon oath taken that
the party was served with the *Subpœna*, there
shall issue out an *Arachment*, upon the
which if he be taken and doe appeare, he shall
be committed to the *Fleet*, by the discretion
of the Court. If hee bee not taken nor yeeld
himselſe, there shall then issue out a *Procla-*
mation of Rebellion, with *Commandement*
to apprehend him, and to have his body be-
fore

fore the King, and his Counsell at the day set downe in the writ. At the which if he appeare he shall be committed to the Fleet. But if hee appeare *gratis* upon the Proclamation or upon the Attachment the contempt will not be so heynous, if hee have any reasonable excuse. And upon his default of appearance upon the Proclamation there shall goe out a Commission of Rebellion which appeareth hereafter in this treatise.

Note that if the partie doe *grat* yeeld himselfe upon Proclamation hee shall bee bound by Obligation to the King before the Master of the Office of this Court to appeare at everie Session of the Lords untill he be discharged.

Note that the *Stat. Anno 3. H. 7. cap. 1.* giveth that the Chancellor, and the Lord of the privy seale, calling to them two Lords, the one spirituall the other temporall of the Kings Counsell, and the chiefe Iudges, may examine Riotts and maintenances, &c. And none is Iudge of this but the Châcellor, Treasuror, or Lord Privy Seale, or two of them: the other shall be Assistants and not Iudges. *Ad quod concordant omnes Iusticiarii;* And the same is to be said of the Statute concerning the reversing of errours in the Exchequer Chamber by the Chancellor and Treasuror, calling to them two Iudges *sed in primo casu Iusticiarii*

Maintenances.

Iusticiarij tenent it to be an error, If the Chancellor, Treasuror, &c. doe not call the Iudges, and doe by their Iudgments, because the *Stat.* so limiteth, 8 H. 7. 13. *Commentar.* 393.

An Abbot releaseth his right in twelve Acres of Land to a Purveyor of the King for extremity done to the Abbot by taking of his goods, *viz. Beeves: & consilio Regis*, it was awarded that the Release was void by reason of that extremity, 28. *Assises* 39. appertaineth to the Common Law, *Idco quare.*

A release made
by extorcion.

Note that *Knivet* Iustice saith that one who had reported in the Country that there were warres beyond Sea: so that none could passe by Sea that yeare, whereupon the price of Woolfels were sold at a lesse rate. And he for that cause was constrained to come before the Kings Counsell, and fined to the King, 43. pounds *Assise* 38.

False reports.

If any man make a suggestion to the King himselfe which is false, by meanes whereof any man be turned to damage or losse, he that maketh this false suggestion shall be brought with his suggestion before the Chancellor, Treasurer, and his great Counsell, and there shall find suerty to prove his suggestion. And if he that made the suggestion or cōplaint cannot prove his intention against the Defendant by process of Law, he shal be imprisoned, and shall so remaine untill hee have made gree

False suggestion
on to the King.

to the party for the damages, and for the slander that he hath borne by that occasion, and shall afterward be fined and ransomed to the King 37. *Ed. 3. cap. 18.* 38. *Edw. 3. cap. 9.*

Untrue suggestion.

When men are compelled to come before the Kings Counsell by writs founded upon an untrue suggestion, the Chancellor after the suggestion is found untrue, shall have power to award damages at his discretion to him that is so unjustly troubled, 17. *R. 2. ca. 6.* And by these two *stat.* it seemeth that the Counsell of the King heard causes long before the *stat. 3. H. 7. ca. 1.* But some write that they had not authority before the *Stat.* to heare heynous misdemeanors, &c. But by this statute the contrarie appeareth, and by the case 43. *lib. Assise 38. supra & ut: vide 13. Ed. 4. ca. 9.*

An Assize was awarded for damages for the plaint: upon certificate of the Bishop that the Tenant was a Bastard; where the Parliament had sent a Writ to the Iustices of Assize to cease, and yet they proceeded *ut supr.* whereupon the Chancellour reversed this judgement before the Counsell, and settled it in the same plight it was in upon the Certificate, &c. and sendeth it backe to the Iustices of Assize, who proceeded and gave judgement for the plaint: because the Bishop had certified the Tenant to be a Bastard, and had

had no regard to the reversal before the Counsell, for that is no plea where judgement may be reversed. *Quod nota, & sic vide,* that they had no respect to the maner of 13. Ed. 3. 14.

The Chancellour and Treasuror of England for the time being, and the Keeper of the Kings privy Seale, or two of them, calling to them a Bishop, and a Temporall Lord and the two Chiefe Iustices of the Kings Bench and Common Pleas, or two other Iustices in their steads, upon Bill or Information to the Chancellor for the King, or any other, against any person for unlawfull maintenance, giving of liveries, signes, or tokens, and retainers by Indenture, promises, or other writings, or otherwise for embraceries of the Kings subjects, deceitfull behaviour of Sheriffes, in making pannells or untrue returns, for taking of money for Jurors, for great Ryots, and unlawfull assemblies, have authority to call before them by Writ, or privie Seale, the said misdoers, and to punish them according to their demerits, as if they had beene committed by the Common Law.

3. H. 7. cap. 1.

The Chancellor, Treasuror of England, and President of the Kings Counsell, attending upon his person for the time being, and the Keeper of the Kings privie Seale, or two

Misbehaviours
mentioned in
the Stat. an. 3.
H. 7.

of them, calling to them a Bishop and a Temporall Lord of the Kings Counsell, and the two Chiefe Iustices of the Kings Bench and Common Pleas, or other two Iustices in their places, upon Bill of Information to be given to the Chancellour of England, Treasurer, President of the Counsell, or Keeper of the privie Seale, for any misdemeanour mentioned in the Statut. 3. *H. 7. cap. 1.* have power to call before them by a Letter under the privie Seale, such misdoers, and to examine them, and such as they shall finde defective, to punish according to the Statute, and all other Statutes made heretofore, even as if they were convict by the Common Law: 21. *H. 8.*

Taking of women under the age of 16 years.

cap. 20. they may punish the taking of women under the age of sixteene yeares from their parents against their wills, and contract mariage with them, against 4. & 5. *Phil. & Mar. cap. 18.*

Forgery.

They may punish a forger of false Deeds, per 5. *Ed. 1. ca. 14.*

False tokens
and messagers.

They may punish those that obtaine goods and chattells of any other by false tokens and messagers counterfeited in other mens names, by 33. *H. 8.* he shall bee set on the Pillory, or have other corporall punishment, other than of death, as the Court shall award where he is convict.

They may punish perjury, by 5. *Ed. 1. ca. 9.*
and

the proceedings there concerning this matter in the yeare aforesaid, set downe more at large.

Notorious deceit in taking of beasts.

A man tooke the beasts of another, but not feloniously, and held them as his owne in the deceit of the buyer: This falshood may be punished here, if it be a notorious deceit as it seemeth, for he may have an action upon the case, *Br. 85. lib. Aff. 8.*

Deceit in an execution of a writ of Elegit.

A man hath an *Elegit*, and the Creditor causeth the Iury to finde that the debtor hath more land than indeed hee hath, insomuch as the Creditor hath all the Land in execution: there he hath no remedy to disanull the execution by the Common Law, because he hath the Land by Record, *viz.* by the verdict of the Iury: *vide* action upon the case, *Br. 81. 27. lib. aff. 73.* that he cannot have remedy of this falshood, but it seemeth that he shall bee punished in this Court of Starchamber: for this dealing is a procurement to the Iury to be forsworne, and no attaint lyeth, for it is but an Enquest of Office.

An Attourney acknowledged a *Stat.* in another mans name without authority, he shall have an action upon the case, *Bro. title of fines, 54.* for hee hath no remedy to defeat this by the Common Law, *19. H. 6. 44.* It may bee ordered here that it shall bee disanulled by the party to whom it is acknowledged if hee be

be privie to the falshood and deceit.

A fine was taken by *dedimus potestatem*. in Kent of a femme covert who died before Easter Terme next following, and the fine was entred in *Hillarie* Terme before and the Queenes silver entred the same Terme also, this fine was held good, and yet the party, *viz.* the husband which caused the fine to bee so entred, was called by Bill into the Starre-chamber to answer to his deceit, but yet the fine was ingrossed by the Court *Dyer fol. 220.* and this was the case of *Carrell* the yonger of the Inner Temple. Master *Fleetwood* the Recorder of *London* was assaulted by one of the Queenes house as hee was going to *Westminster*, in the terme time, who gave him diverse wounds, for which hee was fined in this Court, and put out of the *Queenes* service.

The Earle of *Arundel*, *viz.* sonne to the Duke of *Norfolke*, was vpon the Sea to have passed over without licence of the Queene, & he was fined at a great summe in this Court of Starre-Chamber, *circa 30. Eliz. Regin. vide stat. 5. R. 2.* that none should goe over sea without licence of the King.

Note that one tooke upon him to view or survey Gentlemens Armes in the Countrey, as if he had been an Herald, and had counterfeited a seale of the same Office. And he was fined in the Starre-Chamber, because he had

D

gotten

A fine taken of
a femme covert
and falsly en-
tered.

The Earle of
Arundell was
vpon the sea to
pass over with-
out licence.

Surveying of
Gentlemens
armes, and
counterfeiting
the Heralds
seale.

gotten money of the Queenes subjects by his
falshood, 27. *Eliz. vel circa.*

Taking of mo-
ney to favour
Lod. Greuill
suspected of be-
ing accessory to
murther.

Divers of the County of *Middlesex* had ta-
ken money to favour *Lod. Greuill* prisoner
in the Tower for suspition of being accessary
to murther if they should bee returned upon
his deliverance, and of this they were conyic-
ted by good prooffe. And they were fined in
this Court to great fines, and three of them
did weare papers from the Fleet to *Westmin-
ster Hall*, and there also, and backe againe to
the Fleet, 31. *Eliz. vide fines for contempts,*
Fitz. lib. Assisarum 43. where one that tooke
five markes for being sworne to deliver a
thiefe which was committed and indicted
of felony for the King.

A Iustice of
Peace refusing
to take the
peace of one
that offered
suertie to him
for the peace

A Iustice of Peace was put out of Com-
mission by order of this Court, for because
that he refused to take the Peace of one who
came to him, and offered him suertie for the
Peace, because that the Iustice which did a-
ward the warrant was not his friend, for
which reason he refused to goe before him to
be bound to the peace, *Lamb. fol.*

A forraigne
plea put in up-
on false oath.

A man put in a forraigne plea in *London*
upon his oath which was false, for the which
he was sued here in this Court, for perjury,
and the case heard there, 30. *Eliz.*

In

In the Case of *Draiton Bassett* in *Staffordshire* circa 22. *Eliz.* some Iustices which dwelt neer unto the place where the Riot was, were called into this Court by proces, and fined, and it was upon the Stat. of 17. R. 2. c. 8. which is, that the Sheriffe, and others the Kings Officers, shall apprehend Riottors, which assemble themselves together in outrageous manner. And note, that this Riot there, was notorious: for there were a great number that were assembled in the Manour house of *Draiton Bassett*, and held it forcibly.

If Iustices neglect the apprehension of Riottors.

Thomas Worsley was seized in the right of his wife, of divers lands in Lancaster, circa 16. *Elizab.* both of them being within age, viz. the husband within sixteene yeares, and the wife of thirteene yeares. One *W.* caused a *Dedimus potestas.* by the procurement of one *R.* which should have the land to be procured to Sir *H. T.* and others to take cognizance of the said Husband and Wife, of the said lands, both of them being within age, *us supra*, as also plainly appeared to the Commissioners. And one *A. K.* and Sister of the said *Katherine*, and next heire unto her, did exhibite a Bill in this Court of Starr-Chamber in her owne name, viz. in the name of *A. versus* and him that was of the Covin for the purchasing, and also against

Covin.
Touching the acknowledging of a fine by persons under yeares.

the said Sir H. T. and the other Commissions. And thereupon the said matter found, the said W. was fined to a great summe, and likewise B. and Sir H. T. & *fuit factum hoc circa 28. Eliz.* as *Worsley* himselfe did tell mee. And this fine was also in a Writ of Errour in the Kings Bench brought by the husband being of full age, and his wife being within age, reversed *circa 30. Eliz.* and adjudged to bee void, as well against the husband as against the wife: and the husband entered presently, and execution did not cease during the life of the husband: and this *Worsley* himselfe did tell me likewise, who was the husband. *Et 32. H. 6. 31.* is that if a married wife elope, & goe away from her husband, and lives in adultery, and leuieth a fine as a single woman, if the husband enter, the fine is defeated, or avoided; as wel against the wife as against the husband *vide Carrels Case* in the Common Pleas, & *vide* the Booke of Entries, fo. 278. that the Judgment in a writ of Error to reverse a fine, is, *Consideratum est quod pedes finium pradi filii finium extrahantur & cancellantur*. Then in *Worsleys Case supra*, if the fine shall be cancelled against the wife, it cannot be of force against the husband.

Note that the Jury of London which acquitted Sir Nicholas Throgmorton Knight *circa prieta Maria Regina* of high Treason, because that the

the

the matter was thought to bee proved sufficiently against him, were called in the Starre-chamber in October, 1544. and eight of them were fined there at great summes, every one of them at five hundred pounds at the least, and awarded also backe againe to prison, there to remaine untill further order were taken for their punishment, and the other four were released of their imprisonment, because they submitted themselves and acknowledged that they had offended, not considering the truth of the matter, *ut patet per Hollingshead fo: 1759 vide* eleven of a lury which did acquite one *Hodgc* of Felony before *Sir Roger Manwood* Chiefe Baron in his Circuit in Somersetshire against apparent evidence: they were fined in *Star-chamber*, and did weare papers in Westminster hall, *circa 22. Eliz.* the whiche my selfe saw.

Note that one *G* writes his Letter to a Juror to appeare betweene *L.* and *C. D.* and to doe his conscience, and he was fined at twenty pounds here, because he had nothing to doe in the matter, *circa 27. Eliz.* Here note, that no man ought to meddle in any matter depending in suite, where hee hath nothing to doe.

One *Smith* of the County of Somerset Esq. was fined in the Court for slanderous words, which he had spoken of one *Sir Iohn Young Kt.*

One writes to a Juror to appeare and to doe his conscience.

Slanderous words against a Knight.

which touched his life, which the said *Smith* could not prove, and hee was committed and gave great damages to the Knight, *vid.* 38. *Ed.* 3. *ca.* 9. *ut supra*. And yet he may have an Action of the Case at the Common Law.

A false endeavour to proue a man to be a Traytor.

One *L. O.* of Kent was punished in the Court for falsly going about to prove one that was his Cousin or Brother, to be a Traitor; And for this he was adjudged to ride about Westminsterhall with his face to the horse-taile; *circa* 27. *Eliz.* as I heard.

A false procurement, of a man to be indicted of Murder.

Note that one *S.* of the County of Lancaster for falsly procuring one to be indired for the death of another, was fined in this Court to a great summe, *circa* 31. *Eliz.*

Divers were set on Pillory in Cheapside in Lond. *circa* 36. *H.* 8. for cutting out the tongues of certaine living beastes, and for barking of certaine fruit trees and burning of a Farme maliciously of one *Greshams*, *es vide* the stat. of 37. *H.* 8. *ca.* now that hee shall pay vnto the party treble Damages and shall forfeite ten pound to the King for fine in the said cases; saving that the burning of a Farme maliciously was made felony 37. *H.* 8. but this was repealed. 1. *E.* 6. *ca.* 12.

Certaine procured themselves to be carried into an house of a Iustice, to be examined of Felony vpon purpose to seise a Writ.

One had an Attachment out of the Chancery against a Iustice of Peace, because hee would not stand to an order made there *viz.* because he would not yeeld the possession of a house

house to him which purchased the writ; and it was devised (as a meane, the sooner to come to the possession of the said house) that certaine persons should have a warrant speciall from the Sherife to execute the same writte, and should come to the said house vnder colour to be examined upon suspition, & when they came there with the Constable and diuers others attending upon them to bring them before the Iustice of Peace to be examined, *ut supra.*

The Constable who was privie to this device as the Iustice thought, knockt at the doore, and presently the said persons rush into the house suddenly with force, against the will of the servant, having no weapon about them, but their daggers under their cloakes; and when they were in the house, they kept it with force two dayes. Whereupon the Iustice exhibited his Bil in this Court against the said persons, and against others that were supposed to be advisors or privie unto it, and after some of them put in their Answers there, the party did agree to the suite of the Defendant.

For by such a device a man may be murdered and robbed in his owne house, as if men should come in the night to search for a Felon upon a false Hue and Cry: and therefore this device is very dangerous, and it seemeth by
such

such an attachment he cannot breake the house because it was the suite of the party : and againe if he might enter forcibly, yet notwithstanding hee ought not to abide there, & keep it forcibly, and therefore it was wrong from the beginning.

Lords of Parliament.

If a Lord of the Parliament be sued in this Court, the Chancellor shall write unto him, giving him notice of the same suite, and requiring him at a certaine day to answer to the said Bill. At which day if he appeare not, yet notwithstanding no Attachment shall go forth as there shall against other Subiects under their estate. *Quare* if hee shall make his Answer upon his Honour, as they doe in the tryall of a Peere of the Realme of Treason or Felony, or upon his oath.

Quare.

Noble women;
disparaging
themselves by
Marriage.

If a Duchesse, or Countesse, or Wife of any Lord of the Parliament, bee married to a Knight, and be sued in this Court, a common *Subpoena* shall goe forth against him and his wife, by the name of *A. B.* and *B.* his wife, without naming her in the Writ by the name of Honor which she had before; for she hath lost this name by the Law, *Quod vide nomen dignitatis. Br. 31. 69.* Witnes *Lady Dame Powers*, who married *M^r. Howard*, and the Duchesse of Suffolke, that married *Adrian Stokes. Dyer 79.*

If a Duchesse, or Countesse, or Wife of any

any Lord of the Parliament after the death of her husband be impleaded in this Court, or in the Chancery, the Plaintiff cannot sue a *Subpoena* against her, but the Chancellor shall write unto her as the use is unto their husbands. *Quare hoc, & vide 35, H. 6, Subp. fo. 20* *Subpoena* against a Lord which the Sheriffe durst not arrest upon a *Supplicavit of Peace*.

Noble means
Widowes,

Vpon an Arraignment of Treason or Felonie of the said *Noblewomen* as well maryed as single, they shall be tryed by Peeres of the Realme. 20. H. 6. ca. 9, & *Stat. 153*. And before the Statute aforesaid it was doubted in this case how they should be tryed.

Noble women
in case of Treason
and how to
be tryed.

If a man speake slanderous words of Noblemen, *Quare* if hee shall haue an Action upon the *Stat. de Scandal. Magnat.* but the Defendant shall be punished in this Court.

Slanderous
words of noble-
women, which
Stat. a. 1. R. ca. 5.

A Knight of the County of Northumberland was fined in a great summe in the Starr-Chamber, because hee permitted a seditious Booke called *Martin Marprelate* to be printed in his house, 32. *Elizabeth*.

Suffering a se-
ditionous booke
to be printed in
his house.

One writes to a Iustice of the Peace to send him his warrant with a blanke, to put in one that hee would atach upon suspicion of Fe-

Iustice sendeth
his Warrant
with a blanke,

E lonie,

(30)

home, and to the Justice did, and because hee
sent his warrants with a Blanke to put in the
name of one hee knew not, neyther the mat-
ter, before the making of his Warrant, hee
was fined in this Court *circa* 30. *Eliz.* and it
was one Sir J. R.

The

The forme of a VVrit or Com-
mission of REBELLION, where the
party after Proclamation to yeeld
himselfe sub pana legiantia si non com-
paraverit coram Consilio, &c. est
ut sequitur.

CAROLVS Dei gratia Anglia, Scotia,
Francie & Hibernie Rex fidelis Defensor,
&c. Dilatus sibi G. F. & I. R. salutem. Quia G. F. & I. R. quibus per publicas
Proclamationes per Vice-comitatus nostri
Derb. in diversis locis ejusdem Comitatus virtute
Brevis nostri eodem Vice directi ex parte facti pra-
ceptum fuit quod ydem G. F. & I. R. sub pana le-
giant suarum coram Nobis & Consilio nostro apud
Westm. ad certum diem dicto Brevis nostro contenti
personaliter comparere: Mandatis nostris in ea parte
 parere manifeste contempserunt. Ideo vobis tribus,
daabus, vel annis vestrum mandamus, quod praesat
G. F. & I. R. ubicunque inveni fuerint infra re-
gnum nostrum Angli. tanquam rebelles & legis
nostri contemptores atachatis, vel atachari facia-
tis, ita quod eos habeatis vel haberi faciat is coram
E 2 Nobis

(32)

Nobis & dicto Consilio nostro apud Westm. in Cra-
fino Animarum pax. futur. ad respondend. super
his qua sibi obijciuntur, tunc ibidem & ad faciend.
alterius & recipiend. quod per Nos & dictum
Consilium nostru consideratum fueris in hac parte,
& hoc nullatenus omittatis, Damus enim vobis
& singulis Majoribus, Vice-Com^{ib}, Ballivis, Con-
stabulariis, & alijs Officiariis, Ministris, & sub-
ditis nostris quibuscunque tam infra libertat. quam
extra tenere p^{re}senti p^{re}miter in mandatis quod
vobis & cuilibet vestrum in executionem p^{re}missio-
rum sint intrinseca & assistent. in omnibus diligenti.
prout decet.

In cujus rei testimonium has Literas nostras
fieri fecimus patentes. Teste. Me-ipsa apud Westm.
23. die May, Anno Regni nostri, &c. Vide Tit.
Chancery forme de Commiss. Rebell.

*A false returne of a Knight
of the Shire.*

Arunker Sherife of Wilts was sued by an in-
formation of perjury in this Court at the
suit of the Queene for a false returne made
of Sir. J. T. to be a Knight of the Parliament
for the said County, whereas indeed one P.
was

was chosen by the greater number of free tenants in the said County, in deceipt of the County and of all the Realme, and it appeared by examination that *Brunker* was not sworne to execute his office, notwithstanding that, a *Dedimus potestatem* was directed to one Lord to giue him his oath, who dissuaded him from it, for the difficulty of the Articles; And this matter by graue resolution and honourable and great assembly of the Noble-men was ordered against *Brunker*, viz. for contempt of the ancient Law, *scilicet*, That euery Sherife in the beginning of his office shall sweare, which the said *B.* did not, wherefore he shall pay vnto the King 100 pound beside imprisonment for fise weekes, and moreouer 100 pound adiudged to the King according to the *stat. 8. H. 6. ca. 7.* for the false returne, and also a yeares imprisonment without bayle or main-prize. And *Hide* the Cômmissioner appointed to receiue the oath, was fined at twenty markes, besides a fortnights imprisonment, and also *B.* and *P.* were bound by recognizance to stand to the arbitrement of foure Noble-men, for the hundred pounds due vnto *P.* But *Sir I. S.* was bound in 300. pounds to *Brnn.* for to save him harmless for his returne, *Dyer 168.*

Suing in a Bishop's Court for things belonging to the Kings Court (*ant ali. bi*) is interpreted by the common Lawyers to signifie the Bishop's court, but it ought to be taken for the place where the Pope resideth as *Auignion* in France or such other place of his abode.

If a Riot cannot be found afore Iustices &c.

The King and his Counsell.

The Statute of 16. R. 2. cap. 9. gives, that if any sue in the Court of Rome, or any where else where it is taken to be the Bishop's Court or other Court, 47. *Old Nat. Brev.* 147, for any thing which appertaines to the Kings Court, he shal incurre the penaltie of the said Statute, and the partie grieved may sue the Offender before the King and his Counsell, by Attachment, or by Writ of Prelunire against the party, or may sue against him *In Custodia Mariscalli in Banco Regii*, by Bill. 36. H. 6. 5. Action upon the Statute, *Br.* 372. *Ri.* 3. 17. But a man may sue in the Kings Court as many matters as he will without perill.

If a Riot bee found before Iustices of the Peace upon inquisition made, then the Iustices of Peace and the Sherife or under-Sherife shall certifie before the King and his Counsell all the acts and circumstances of the Ryoe which shall be of the same force that the presentment by twelve men should have been, and those which are convicted shall be punished according to the discretion of the King, and his Counsell. 13. H. 4. ca. 7. and notwithstanding, this matter may be certified in the Kings bench as well as before the King and his Counsell, as Justice *Nouthcot* said, and note that the certificate ought to be certaine in all points, because that it is in the nature of an Inditement. I

If one speake slanderous words of an Archbishop or Bishop, hee may sue in the Starre-Chamber to have him punished, or hee may have an Action upon the Statute *de Scandalo magnatum*, as appeared in *Sands* his Case Bishop of *York*, in the Starre-chamber betweene him and one *Stapleton* Knight.

Slanderous words of an Archbishop or Bishop.

*An. 2. R. c. 5.
or 10. H. 6. c. 11.*

One spoke of my Lord *Dyer* Chiefe Justice of the Common Pleas that he was a corrupt Iudge, for which he was convicted in this Court, and adjudged to stand upon the Pillorie, *vide Statut. de scandal. magnatum*, in the which the Iudges of the Law are mentioned, and surely this man was a very grave, reverend and upright Iudge by the generall report of all men, and by this report greatly abused.

If one say of the Kings Justice, that hee is corrupt.

One had cast abroad slanderous Libells of one that was Bishop of *C.* circa 20. *Regina.* and was punished in this Court.

Slanderous Libells of a Bishop.

The King himselfe is by intendment alwaies present here in person, for the *Subpœna* that goes out to warne any to appeare in this Court is *Coram nobis & Consilio nostro*. And although the King come not thither, yet being that his Counsell is there, it is intended that the King himselfe is there; And that which his Counsell doth here is adjudged in Law as the Kings deed himselfe, for they speake with his mouth.

The Prince is alwaies intended to bee present in the Court of Starre-chamber.

If

Question of
the Constable.

The kings
counsell the
Iudge between
Iurisdictione.

Slanderous
words against
the king.

If strife or debate be whether a suit to bee
tried by bartell shall be before the Constable,
or Marshall, or by the Common Law the
said Constable and Marshall commanding
them to surcease untill it bee decided by the
Kings Counsell, which of them shall have cog-
nizance of the matter, 13.H.2. cap.2.

Note where the Statute *de scandal. magna-
sum*, in print, speaketh of false messages, the
Record of the Tower is, false Messengers, viz.
false lyes, and this also appeareth by the Writ
which is founded upon the Statute.

One O. which had spoken slanderous and
horrible words against Queene Mary, was in-
dited, for the words of the inditement being
that he had spoken them against the forme of
of divers Statutes without mentioning of any
in particular, and without saying, *unde scandalum
in Regno inter Reg. & magnas. vel populum
sum oriri poteris*: and hee was convicted of
these words upon his arraignment, and had
Iudgement to be imprisoned, and to be fined
at the Kings pleasure untill hee had found his
author, according to the Statute of *Westmin-
ster* the 1. Ca. 34. for hee could not have pu-
nishment according to the first and second of
Queene Mary, because that the time was past,
and that is that he shall bee imprisoned untill
he produce him unto the Court, who was the
first Author of the words, and not according
to

to the advise or arbitrement of the Counsell; for it is when the slander toucheth the Noble men, and great Officers mentioned in the Statute of 2. & 12. R. 2. and not the King, for he is an exempt person, and not implied within the words (*les haults & grands homes ou nobles*) &c. *Dyer.* 155. And it seemeth that the offence might have bin examined in the Starre-chamber, and punished there aswell as any where else.

One brings an Action of forging of false deeds against a Lord, no Action will lye against him for it, while the suit is depending vpon the Statute *de scandal. magnatum*. For it rests in doubt, whether the defendant be guilty or not, *Dyer, fol. 285.* And by the the same reason he cannot sue the plaintiffe, in the Starre-chamber depending the suit in this matter.

James Tavernor being a Copiholder of the Lord *Cromwells* of his Mannor of *Norshelton* in *Norfolke* made a customary in Latin of the said Manor in Parchment, with eleven Labels and Scales, of his owne and other Tenants of the Mannor, inserting into it divers very false Customes tending apparantly to the disinheriting of the said Lord, and pretending by the said tytle of the Customary to bee collected, renewed and set by the consent of all the freeholders of the said Mannor being in num-

An action of
Forgery
brought against
a Lord.

The making of
a false customa-
ry of a Mannor.

ber 100, at the least, and allowed and permitted by the Lord of the Mannor, & *jure*, conclusion, *in cuius rei testimonium*, the 11 whose names were subscribed, had put their seales the day and yeare abovesaid, but no day nor yeare appeared in the title, and no consent of all the Tenants, nor allowance of the Lord had indeed, and the seales were very strange, for upon every seale, there was a great square seale ingraven about with *Northelton*. And the particular seale lesse within that, by the which as it seemeth the intent was to prove the consent or allowance of the Lord, with the consent & agreement of al the tenants, & this was proved to be done wittingly, subtilly, falsly, and to the intent, and by *Taverner*. If this be a Forgery punishable by the Statute *de An. quinto Regina Eliz.* this being done in *Anno 9, Regina Eliz.* it was doubted and referred by the Lo: to the consideration of all the Iudges *quorum opiniones pro maiore parte* were reported by the two Chiefe Iustices, that it was a Forgery or counterfetting, punishable by the open and shamefull penance contained in the Statute which speaketh expressly of a writing sealed, as this was, and to the intent to benefit themselves and to dis-inherite the Lord, and accordingly Iudgement and decree was pronounced that terme in solemn presence the Lord Keeper being absent by reason hee

was

was not well; And for the execution of double costs and damages recovered by the taxation of the Court, it was doubted what manner and forme of proces should be made; and after conference had upon it betweene all the Iustices of both Benches, and the chiefe Baron, it was agreed, That an English Writt should be made and directed to the Sheriffe of *Norfolke*, rehearsing the conviction, and the Statute for the leavying of the said costs, and of the goods, chattels and profits of the sayd Land of the said *T.* and to bring in the mony into the Star-chamber, the writt to be sealed with the great Scale, and the Teste or Witnes to the *Queene* her selfe as is usuall in the like writs as goe out of the Chancery.

After this Conference and judgement in the Star-chamber, the *Queene* pardoneth the execution of the corporall punishment, whether this bee good without obtaining release of the party. Also *qua intention. stat. 5. Regis. Eliz. ca. 14.* Note the preamble vehemently penned for the increasing of the punishment for Forgery, and also the body of the Statute, That is to say, that the party grieved shall recover double costs and damages, and that the offender shall suffer upon the Pillory the corporall penance; and also shall forfeit to the King the profits of his land, but the plaintife to be first satisfied, &c.

Also if the offender hath once satisfied the corporall punishment, hee shall not bee est-
soones imprisoned.

Also if the offender bee once convicted, the
plaintife cannot release nor discontinue the
punishment, &c. but onely costs and damages
&c. *Et postea scilicet termino Mich. prox.* it was
holden by *Wray* chiefe Iustice, *Sanders* chiefe
Baron, *Harper* and *Manwood* Iustices, *Barham*,
and *Gerrard* Attorney, that the *Queene* might
pardon the corporall punishment, which
trencht to the common example, but *Dyer*,
Mounson, and *Southcot* held the contrarie,
Dyer 322.

Strangers rob-
bed on the Sea.

A Merchant stranger that is robbed upon
the Sea by English men, may complaine by
bill in the Starre chamber for it, if so bee that
the King whom the Merchant is subject un-
to, be in amity with the King of England, *vide*
stat. 37. Eliz. 3. statute staple, ca. 13. that he that
sueth before the King, and his Counsell ought
to prove that he which tooke him, and robbed
him, *fuit etiam sub obedientia Regis, vel de ami-*
citia Dom. Regis sive Principis querent. tempore
spoliationis, & non inimicus Regis sive principis
querentis quia si fuerit inimicus quum caput bona,
tunc non est spoliatio nec depredatio sed legalis captio
prout quid. inimicus caput super unum & alterum.
Et hac fuit opinio. Iusticiar' in Camera Scaccar'
ad hoc per Cancellarium Angl. vocat. 2. R. 3. Note
that

that the said Statute doth not speake that they shall be examined before the Counsell, and yet the same booke is *ut supr. vide 31. H. 6. cap. 4.* that this matter may be examined in the Chancery.

Vide if an enemy take a ship from an Englishman, and another Englishman taketh it from him againe, the first from which it was taken, hath no remedy if he cannot *ante occasionem* of the same day as it was adiudged as *Vauisfor* said *Bar. Fitts. 9. 7. 3. 4.* but hee that rooke it from the enemy shall retaine it as a thing gotten by battell, and neither the King nor the Admirall shall have share. *ibid.*

An enemy taketh a ship from an Englishman, and another Englishman taketh it againe from the enemy.

Vide the Statut. 27. *Eliz. ca. 4.* the authority of the Court of Starchamber serveth against them which make frandulent conuaiances to defraud purchasers &c. By the which it appeareth that this Court shall punish such an offence as well as it may be punished by the said Statute in another Court, And such a Clause is in 5. *Eliz. ca. 10.* concerning pury.

Frandulent conveyances.

Note by *Cullen* Chiefe Iustice of England in the Starchamber before all the Queenes Counsell, that if an Infant or married wife or other, levy a fine upon a grant and render in taylor or for life, the husband dies, the wife nor the Infant shall have a Writ of error during the nonage because that he is the Tenant of the land himselfe, and againe he cannot

A fine levied by an Infant or married wife.

not have a Writte against himselfe, and so in this case the Infant is without remedy *quod nota*, great mischiefe. *H. Anno. 15.*

Perjury voluntarily committed in the Kings Bench.

If perjury be voluntarily committed in the Kings Bench by any witnesse or prooffe upon a suggestion for a prohibition there to be granted, against an Ecclesiasticall Iudge, according to the statut of 2. *et* 3. *Eliz.* 6. *cap.* 13. where the party is stayed of his Writ of consultation, whether it might be examined and punished in the Starchamber was a great questiō, and upon this all the Iustices were assembled together at Sergeants Inn & perused the stat. of 3. *H. 7. ca.* 20. *et* 11. *H. 7. ca.* 25. and the *promiso* for the Star-chamber, in the end of the A& of 5. *Eliz. ca.* 9. and it seemed unto them that the said perjury was not examinable nor to be punished in this Court of Starchamber, for 3. *H. 7. ca.* 1. doth not provide any punishment for perjury no more then it doth for murder, and before 5. *Eliz.* there was no punishment for perjury by common Law but an attaynt, *Dyer.* 242.

Perjury.

Vide my booke of Iustice of Peace amongst the Articles touching matters Ecclesiasticall, for perjury diuers cases which are printed there.

Perjury in Chancery.

A man committeth perjury in the Chancery and thereupon a bill is exhibited and concluded *contra formam statuti.* 5. *Eliz.* And it was doubted

doubted whether that the defendant should plead not guilty or not, and whether he should be sworne to his plea, and also answer to interrogatories as in the Star-chamber, & it was held that he should not, by *Cutlin, Dyer, Sanders,* and *Whiddon*, except that the Chancellor have absolute authority, and hath used to examine perjuries before. 5. *Eliz. ca. 9.* For then it is reserved by the *proriso* of the said Statute as well as for the Star-chamber, and if the Chancellour will examine perjury committed there, *ut potest* by the said Statute, this shall bee done by Latine Bill and pleaded in Latine, and issue shall be ioyned and tryed in the Kings bench, *ut solet*, in the like cases 288. *Dyer.*

Memorandum, that in the great case of Forgery, touching the Will of Sir *I.* it was moved for a doubt, *viz.* that if one that writeth the Will of a man that lyeth mortally sicke, insert a clause or article in the Will, when the Testator is speechlesse, and without memory, nor did command him afore to put in this article or clause, whether this shall be a forging of a Will, and punishable by the Statute, 5. *Eliz. cap. 9.* or no. And it was agreed and resolved upon the better opinion there, that it was not the meaning of the makers of the said Law, *Dier.* 288. Note that the forging of a Testament by the which any Lease for yeares

Forgery of a
Will.

yeares is conceived, shall bee punished by 5. *Eliz. cap. 14.* by this word writing, onely. And yet no mention is made of any Testament: but of a Will concerning Franktenement or inheritance. And it was doubted whether perjury committed in an Ecclesiasticall Court *circa probationem test'*, may be punished in the Starchamber, by reason of the proviso in the Starchamber there. 302.

A man having
a Lease for 20
yeares writeth
30 in the In-
denture.

A man hath a Lease for twenty yeares, and maketh this in the Indenture thirty yeares, this is no forgery of the said Lease, because that it was a good Deed, and not forged at the beginning. And yet notwithstanding the said Lease is now voyd: the first Case is so taken in the Starchamber: and for the other case see my Lord *Dier* 26. that striking out, and maculation, and blotting of words, although it bee not in a materiall place, as in the substance of words contained in the Indenture, defeats or disannulls the Indenture. And this was in the case of the Lease made by Indenture by A. *Quere.*

Maculation or
blotting of
words.

Protection a-
gainst Purvey-
ors.

Note, *Fitz. nat. br.* 30. that it appeareth by the Register 289. that all persons spirituall may sue out a protection for themselves and their goods, and their Farmors of their lands, and for their goods there that they shall not be taken by the Kings promotors, nor their cariages or cattells taken by any of the Kings Ser.

Servants: and it appeareth by the same protection, that King *Edward* in the 14 ycare of his reigne, by especiall Statute granted this priviledge to the Clergy, that he tooke them into his protection, and their goods and cariages: And they may have a speciall Commission directed to certaine persons, to arrest such Purveyors or servants, to bring them before the Kings Counsell, there to answer their misfesance in this Case.

If a Iurie doe forswear themselves in Court Baron amongst the free Tenants, upon a bill put into the court, they shal be punished here, for no attainw will lye in a bafe Court: But if error be committed in such a Court, the party shall have a Writ of false judgement. But the Copiholder of a Mannour (if false judgement bee given against him) shall not have a Writ of false judgement, but shall sue unto the Lord of the Mannour by petition. *Nat. Br.* for a false verdict given against such a Copiholder, he may sue in the Starchamber.

A man may sue a Bill (as it seemeth) in the Starchamber upon the Statute of buying of Titles, 32. *H. 8. cap. 9.* for the King to have the forfeiture of the said Statute, and although the Statute aforesaid giveth the forfeiture of the one moiety to the King, and the other to the party, yet notwithstanding if the King first commence his suit for all, eve-

Jurors forswearing themselves in a Court Baron.

Buying titles.

rie one is barred as in other penall Statutes, which give the moiety to the King, and the other moiety to any other that will sue for it, *at pater 3.H.7.* for the last *vide Brankers Case, ne supra.*

A man found
an Ideot before
the Escheators.

Although a man bee found to be an Ideot before the Escheators or Sheriffe by inquisition, yet notwithstanding hee may come by himselfe, or by his friends before the Kings Counsell, and pray to bee examined before them whether he be an Ideot, or he may sue a Writ of the Chancery directed to certaine persons, to bring him before the Kings Counsell to be examined. And if he bee found no Ideot before them, then that which is found before the Escheators or Sberife availeth not.

Unlawfull
maintenance.

Note that *3.H.7. cap. 1.* saith that the Lords in this Court shall heare and determine unlawfull maintenances, Sec. *Et ideo*; what shall be said Maintenance, and what not, *vide* my booke of Iustice of Peace, *eodem titulo.*

If a man take
upon him to
maintaine, and
yet doe not.

If a man take upon him to maintaine and, yet doe not maintaine in deed, he is punishable, *Lit. ass. 30: Dier 93.* A man rooke mony to give a verdict, although he gave no verdict yet not withstanding he shall be fined *Dier 93. Fitz. nat. br. 171. 21.H.6.21.*

Maintenance.

If I grant to B. that if my Tenant for life die in my life time, that B. shall have the land for twenty yeares: In this case B. may maintaine,

tainie, 9. H. 6. 64. and yet this is but a possibility by *Strange*, and there is a Case vouched to this purpose. *Commentar. fo.*

Every one which hath interest in the reversion or remainder, may maintaine, and that with his owne money, *Marrt. Br. 53. 136.* And so may he that hath an use in Law or in conscience. As if an obligation bee made to my use, I may maintaine, & vide the Case 15. H. 7. 2. where one was indebted to mee, and others indebted to him, and he assigned his bond to me in satisfaction of my debt, and I in this case may spend of my owne money in this suit, as appeareth there, 37. H. 6. 13. where one buyeth an Obligation made unto another, and it was held void in Law, and also in the Chancery, because the party had not *quid pro quo*, for it is a thing in action, and therefore if he bring an action upon this bond in the Obligees name, this seemeth maintenance, because he hath no interest.

The Statute aforesaid of 3. H. 7. cap. 1. speaketh moreover of the giving of Liveries, that if a man take a Livery, and doe not use it, yet he shall be punished for it, 5. H. 7. 18. *per Hussy*, & 6. H. 7. *per Wood* accordingly where the Statute aforesaid speaketh of Retainers by Deed to promise without Deed, for Retainers vide 8. Ed. 4. fol. 2.

Item, the said Statute speaketh of Embro-
cers,

oers, who shall be said an Embracer, *videlicet* my Booke of Iustice of Peace, *trials*, Maintenance, Embracery, Champertie, &c.

Embracery.

Note that a *Decies tantum* will not lye against an Embracer, if he embrace and doth not take money, for he must take money and embrace. Also where this action is maintainable, *Fitz. Nat. Br.* 171. *Issue* 100. 37. H. 6. 31.

If a man take money, or buyeth lands for lesse than it is worth, for to embrace or to give a verdict, it is all one, &c. *Decies tantum Fitz. Nat. 9. 41. E. 3.*

Jurors tooke money after they had given their verdict, without any covenant aforehand, whereof they were convicted by verdict, and every one was fined at a noble. This Case is out of the Statute of *Decies tantum*, 39. *lib. ass.* 19. and so it shall be punished in this Court, because that they have power to punish Jurors which take money, as it appeareth by the Statute of 3. H. 7. *cap. 1. supr.*

A Lawyer which taketh money to embrace Jurors shall bee punished by the Statute of 6. Ed. 4. *Decies tantum. Fitz. Nat. Br.* 171. and yet notwithstanding for taking of money to give in evidence, shall not bee punished. It seemeth that embracers shall bee punished which take money, and labour the Jurors to passe the one way, or the other, although the Jurors

Jurors give up their verdict as they should doe.

Note that Jurors which take money, and are attainted shall not be put in Assize, Iuries or Enquests, but shall be sent to prison, and moreover punished at the Kings pleasure, 5. *Edw. 3. ca. 5.* Note that this Statute was made long time before the statute of *Deiis tantum* which was made in 34. *Ed. 3. ca. 8.* And this statute of 34. *Ed. 3.* giveth no imprisonment, but where a Juror or Embracer hath not sufficient to make recompence.

Jurors which take money.

The said Statute of 3. *H. 7.* speaketh also of the untrue demeanour of Sheriffes in impaelling of Iuries, and in untrue returnes: concerning false returnes, see *Bronkers case supra* in this title, & vide the Statute of 23. *H. 6. ca. 10.* for Sheriffe, for extortion, and taking of mony; And vide the title of Sheriffes in my Iustice of Peace.

Untrue returnes of Sheriffes.

Item, the said Statute speaketh of Ryotts, and see the title of Ryots and Routs in my Iustice of Peace.

Ryots, &c.

Item, by the said Statute of 3. *H. 7.* it appeareth, the Lords shall punish taking of money in Jurors or Embracers, although the partie might have beene punished by Statutes that have beene made.

Taking of money in Jurors. Embracers.

If a man maintaine another whilest the plea is depending *pro parte Reg.* hee shall bee punished

Maintenance.

nished in the Starre-chamber, For every Champarty implyeth a maintenance, *vide* 32. H. 8. ca.

If a man exhibite a Bill against 2, and pray to have proces against them, but the plaintife serveth but one of them : If the defendant have a commission to take their answer, and the Commissioners take their answer, and the plaintife doth not joyne in the Commission, here hee shall loose the benefit of examining the defendant upon interrogatories, and therefore see that is good, that the plaintife joyne in the commissions to the intent that hee may exhibite interrogatories. *Vigilantibus & non dormientibus subveniunt leges.*

Enteing into a
houle and ca-
rying away of
writings

Trespasse for enteing into his house, and carrying away of writings, and the defendant pleads not guilty, the enquest saith that the defendant came into the house of the plaintife when the plaintife was not there, and said unto the plaintifes wife, that hee had that shee should deliver the said writings unto him, which she did, whereupon *Higham* awarded that the defendant should be imprisoned, and that he should not bee released untill hee had redelivered the said writings unto him; And damages were assessed because he came with a false message, Trespass-ship 245. 34. *Ed. 1.* *vide* the statute of 33. H. 8. ca. 1. how one should be punished there for getting of money

ney, or by a false message, or counterfeit Letters or tokens. See *Wolsey* his case *videtur in* *loypide* 1. R. 2. ca. 4. How Lords or Noblemen shall bee punished that maintaine quarrels in the Country or any where else.

A Merchant Stranger which came into England by the Kings safe conduct did deliver certayne Merchandize to one of the Kings subjects at *Sourh*, to carry, who opened the packer, and took things out, whereupon the Forreiner exhibited a Bill in the Staite-chamber before the Kings Counsell there, whether this were Felony or no. It was referred to the Iustices, and held to be felony, and for the Iudges certified the Chancellor, and the Kings Counsell. And it seemeth by the booke that a Merchant shall not loose the Mercandizes, because hee comes hither with the Kings safe conduct, *ut supra*, 13. Ed. 4. 9. And it is said there that it was adjudged that notwithstanding the statute which giveth that the safe conduct shall be enrolled, and the number of the Marryners, and the name of the ship, That where safe conduct is, and hath not his due circumstances according to this, yet it shall be allowed, for Aliens say that they are not bound to know our statutes for they come by reason of the Kings privy Scale upon his safe conduct: And if that should not be sufficient then should they bee deceived, and yet notwithstanding

A Carrier opening packs committed to him not to be opened.

Safe conduct to Merchant strangers.

withstanding some say that the statute made for forfeiture of Merchandize bindeth Merchant strangers aswell as Denizens. *vide Fogassa his case; Coment fol. 1.* It is held by the Chancellor in the first case, that a Merchant stranger which comes by safe conduct is not bound to sue by the Law of the Land, to try a thing by twelve men, but that it shall bee determined according to the Law of nature, in the Chancery: And by this it appeareth that the Court of Star-chamber was before 5. H. 7.

ca. 1.

Collusion upon
bond to five
a luerly harme-
lesse.

Note that one *Grevile* was bound with one *Hale*, and for the debt of the said *H.* in an hundred pound to one *Dawby* a Merchant for the payment of 50. pound, at a certaine day, and *H.* was bound to *Grevile* by obligation to save him harmlesse against *D. H.* payeth the money, 50 pound at the day or within three dayes after, and his bond given him, in the which *G.* and *H.* were bound to *D.* *G.* being neither sued nor damnified by this debt practised with one *P.* that *G.* should bring an action upon the said obligation against the said *H.*: and then it was agreed, that *P.* should appeare as *H.* his Attourney, and confesse the action without any ordinary rule of the Court to answer: The plaintifes Attourney pleadeth unto him, *non sum informatus*, and upon this *G.* had *H.* in execution, and *H.* sheweth

eth this matter to the Court, whereupon a *vacat* was made of the Iudgement, and *H* enlarged, and *P* committed to the Fleet, and to stand upon the Pillory. And *G* was bound to the Queene in a Recognizance of two hundred pounds to appeare in the Common Pleas. And this devise and lewd practise was made and devised betwixt *G* and *P* to stoppe or discharge a debt, in the which the said *G* was bound unto the said *H*. *Dyer* fol. 331. Note that this order that *P* should stand upon the Pillory was ordered by the Court of Starre-Chamber as it seemeth.

Note, *Dyer* fol. 249. saith that an order and decree was made in the Star-Chamber, 2. *H.* 4. 8. by the devise of divers Iustices there being, viz. both the Chiefe Iustices of both the Benches, *Fitzherb.* and *Spillins* Iustices, that by the Law such a prisoner as is in execution in the Fleet for debt shall not have his liberty within the prison, nor without with the Keeper, but shall bee kept very straitly in Ward, and an Injunction of this was sent to all the Keepers of the prisons in *London* to observe the said Order and Decree upon paine of an hundred pound, and so see the authority of the Court that by good discretion it may order things, although they be not mentioned in the statute of 3. *H.* 7. ca. 1.

H

R. A.

A Prisoner in execution for debt must be straitly kept,

An Item for
Sheriffes.

R. A. was attainted of disceifin with force
wherupon an exigent went out, which Writ
the Sheriffe returneth: And that the King
sent unto him the Writ under his feale, that
he had pardoned the trespasse and imprison-
ment, and commanded that hee should not
be endamaged for this cause: so that hee had
nothing by reason of this commandement,
and returneth the Kings Writ, And because
this Writ should have beene sent to the Ju-
stices, and they ought to have commanded
the Sheriffe to surcease (for a Sheriffe cannot
surcease by reason of any Writ in the Law,
but by warrant out of the place from whence
hee had his commandement) The Sheriffe
was amerced, and a new exigent awarded,
14. E. 3. titulo of Viscount Fitz 89. Astouch-
ing that the said privy seale ought to have
beene sent to the Iustices, vide 4. E. 4. 14.

A Sheriffe having a Writ of Atachment
*Coram Domina Regina & consilio in Camera stel-
lata apud Westm. 15. Pasche ad respondend.
dict. Domina Regina & consilio suo de quodam
contempnu, & ad faciend. & recipiend. ulterius,
&c.* arrested the party, and tooke bond of
him, indorsed with this condition, viz. that
if hee shall personally appeare before the
Queenes Majestie, and her Counsell at West-
minster 15. Pasche, and then and there shall an-
swer

swer a contempt by him made against the
Queene and her Counsell; then if these
 words, *viz.* (and then and there shall answer)
 seem to be an addition more thē is in the sta-
 tute, 23. *H. 6. ca. 10. garr. Ideo vide*, whether it
 be void or not. It was demurred upon in
 Law, and by the opinion of *Dyer* and *Wind-*
ham, the obligation is good enough, for it
 amounteth to as much as to say (then and
 there to answer to a contempt, &c.) which
 had been good, and by this obligation no pro-
 fit accreweth to the Sheriffe or to any other
 person but onely to answer to the King, &c.
 which was the intent of the Statute of 23. *H.*
6. sed Medo contra, and iudgement was given,
Mich. 22. & 23. Eliz. per Dyer 364.

Memorandum, quod patet 34. H. 6. rotulo 37.
in banco Regis, That one *Vernay* which was in
 execution in the Fleet for debt unto the King
 and another procured themselves fraudulent-
 ly to be indited of felony, to the intent to
 defraud their creditors of their debts, and
 procured themselves to be removed out of
 the Fleet by a *Corpus cum causa, &c.* directed
 to the Warden of the Fleet to be committed
 to the Marshalsey, and these executions were
 returned into the Kings Bench, whereupon
 the King being informed of this intent of the
 prisoners, and of divers of their such fraudu-
 lent practises to deceive their creditors by

Men that be-
 ing in prison
 for debt frau-
 dulently pro-
 cure themselves
 to be indited.

this procurement to bee indited of felony, and to be arraigned upon it, and to confesse the felony, and to betake themselves to their Clergy, to the intent to be out of the power of Temporall Lawes, and afterwards by meanes to make their purgation, and bee discharged: The King by his Privy Seale directed unto the Iustices of the Kings Bench, commanded them to surcease the arraignment of him untill they had heard further commandement from him and his Counsell, *Dier 245. vide 1.H.7.7.* One was arrested in London upon a plaint which was not at the Common Law, afterwards the defendant was indited in the Kings Bench of trespassse, and was removed thither by *habeas corpus* out of London, and because he could not appeare by Atturney in the Kings Bench, but in proper person, he was not sent backe, which was held cleerly suspitious; and yet hee was dismissed out of London, for he acknowledged the trespassse, and was committed to the Marshalsey, and afterwards hee found surety for fine to the King, and was discharged, *14. H.7.7.* printed by *Covin* shall not be allowed, *6.Ed.4.4.* One was in execution for the partie for damages, recovered in redisseisin, and afterwar disattainted by outlawry of felony, and pardoned for it, who was againe in execution for the party, and yet notwithstanding

ding once he was in some sort discharged, because that when the Kings interest and of a common person concur together in an entire thing as in the body, &c. the King shall be preferred; but if he had beene found guilty, and had his Clergy, he should be delivered into his former estate, *I. Kingsworth and Markham*: And the reason is, because that in this case hee is out of the Court, and discharged of this; but in the case of redisseisin *ut supra*, he abideth alwayes in the keeping of the Court, 6. E. 4. *vide* 24. E. 3. 12. & 6. H. 4. 8. *vide* 4. E. 4. 9.

If a man make a proclamation without priviledge or custome, he shall be fined and committed, and so was Sir *I. K.* of North. which caused proclamations to be made in divers Townes, that every one to whom *I. S.* was indebted should come unto him to the which *I. S.* was executour, and that they should be paid, and he was committed for this, and fined, *Proclamation Brooks* 10. 22. *H.* 8. and this matter shall bee examined in this Court.

A man having
neither privi-
ledge nor cus-
tome to make
Proclamation,

F I N I S.

Ex. GMB